

**CIRCULAR 88-9****Date: March 30, 1988**

<b>U.S. Department of Labor Employment and Training Administration Bureau of Apprenticeship And Training Washington, D.C. 20210</b>	<b>Distribution:</b>  A-539 All Techs. Hdqtrs A-544 All Field Techs. A-547 SD+RD/SAC; Lab Comm.	<b>Subject:      Code:</b>  State Apprenticeship Council Unilateral Modification of Policies and/or Procedures
<b>Symbols: TDT:MRM</b>		<b>Action:</b>

**PURPOSE:** To inform the BAT field staff of the review of Circular 88-5 dated December 15, 1987, (Same Subject) and of the continuation of that Circular.

**BACKGROUND:** BAT Circular 88-5 was issued to clarify the BAT position regarding State Apprenticeship Councils (SAC) unilaterally adopting apprenticeship policies and procedures. The President of NASTAD has recommended that the BAT Circular be withdrawn on the basis of Executive Order 12612 entitled "Federalism," issued by President Reagan on October 26, 1987.

The NASTAD request along with Circular 88-5 and Executive Order 12612 have been carefully and thoroughly reviewed by appropriate officials of the Department of Labor (DOL), including the Office of the Solicitor. Based on that review they have not been found to be inconsistent, and Circular 88-5 remains in effect.

The Circular merely requires that modifications to SAC policies and procedures on which recognition for Federal purposes was approved be submitted to BAT for clearance. The Circular does not mandate national uniformity. Section 8 of the Executive Order states that the order is solely for the internal management of the Executive Branch of the Federal Government and grants no substantive or procedural rights and benefits to any party, including the SACs.

**POLICY:** BAT, when possible, will strive to favorably consider the SAC's proposals for change, however, before such determinations can be made, the State Modifications must be submitted to BAT for appropriate review and appraisal. Since no conflict with the Executive Order is noted, the policies set forth in BAT Circular 88-5 are continued in force.

As we continue the Apprenticeship 2000 initiative, we need to ensure full cooperation between BAT and the SACs. BAT staff are urged to be aware of the needs for expanding the training opportunities under the apprenticeship system and for reviewing SAC policies and procedures to assure that they are in consort with those goals. All significant modifications in policies and procedures planned, or implemented by the SAC's are to be submitted to the BAT Director, along with appropriate comments and recommendations.

Date: December 15, 1987

<b>U.S. Department of Labor Employment and Training Administration Bureau of Apprenticeship And Training Washington, D.C. 20210</b>	<b>Distribution:</b>  A-539 All Techs. Hdqtrs A-544 All Field Techs. A-547 SD+RD/SAC; Lab Comm.	<b>Subject:      Code: 700</b>  State Apprenticeship Council Unilateral Modification of Policies and/or Procedures
<b>Symbols:</b> TDT:NAK		<b>Action:</b> <b>Due Date:</b>

**PURPOSE:** To clarify for apprenticeship technical staff the BAT position regarding State Apprenticeship Councils unilaterally adopting apprenticeship policies and procedures.

**BACKGROUND:** Title 29 CFR Part 29.12 provides for the U.S. Secretary of Labor to recognize State Apprenticeship Agencies or Councils (SACs) for Federal purposes upon submission and approval of specified materials.

**POLICY:** Any modification to SAC policies or procedures regarding the recognized State apprenticeship program that results in changes in the materials submitted to, and approved by, the Secretary when granting recognition for Federal purposes must be approved by BAT. State Apprenticeship Councils/Agencies are expressly prohibited from unilaterally adopting policies and operating procedures which depart from, or impose requirements in addition to, those which meet the requirements of Title 29 CFR Part 29. Approval of augmented policies and operating procedures is subject to BAT's discretion.